

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 07-3698 (DSD/FLN)

Miguel Checo,

Plaintiff,

v.

ORDER

United States Department of
Justice; United States Bureau
of Prisons; and Harley Lappin,
Director of Bureau of Prisons,

Defendants.

This matter is before the court upon plaintiff Miguel Checo's pro se objections to the report and recommendation of Magistrate Judge Franklin L. Noel dated August 29, 2007. In his report, the magistrate judge recommends that plaintiff's "Application to Proceed Without Prepayment of Fees" be denied and that the action be summarily dismissed pursuant to 28 U.S.C. § 1915A(b)(1).

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C); D. Minn. LR 72.2(b). Plaintiff objects to the report and recommendation but provide no apposite legal authority that supports his contentions. Nor does plaintiff provide any more factual detail than he did in his complaint, although purporting to do so. Moreover, the copious medical records provided to the court evince no constitutional violation. The court finds that the report and recommendation of the magistrate judge is well reasoned and correctly disposes of

plaintiff's motions. Therefore, the court adopts the report and recommendation of the magistrate judge [Doc. No. 3] in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's "Application to Proceed Without Prepayment of Fees" [Doc. No. 2] is denied;

2. The action is dismissed pursuant to 28 U.S.C. § 1915A(b) (1);

3. Plaintiff's motion for appointment of counsel [Doc. No. 4] is denied as moot;

4. Plaintiff is required to pay the \$350.00 court filing fee in accordance with 28 U.S.C. § 1915(b) (2); and

5. For the purposes of 28 U.S.C. § 1915(g), the action is dismissed "on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted."

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 27, 2007

s/David S. Doty
David S. Doty, Judge
United States District Court